

August 8, 2000

Mr. Mark Fenton  
W. J. Browning Co., Inc  
P. O. Box 1463  
Mobile, AL 36633

## **CAPTAIN OF THE PORT ORDER # 019-00**

Dear Mr. Fenton:

This letter serves as confirmation of your written proposal dated July 19, 2000 for the coal off-loading operation at McDuffie Coal Terminal in Mobile Bay, Mobile, Alabama. I am committed to ensuring the continued safety of navigation in this area and will actively monitor all of your coal unloading operations.

This operation is approved on a temporary basis and under a trial condition. *If at any time I feel this operation poses a significant threat to the continued safety of navigation to all users of the Mobile River by your non-compliance with the below stipulations or for any other reason not now apparent, I reserve the right to modify your operation or order its immediate termination.*

You are required to operate within the following specifications:

1. The proposed operation and vessel configuration shall not extend more than two hundred thirty feet outward of the McDuffie Coal Terminal Dock.
2. All operations will cease and all outboard barges, both crane and hopper, will be removed when visibility is less than two miles.
3. All outboard barges and cranes will be illuminated with non-glare lights clearly defining barge configurations so that waterway users may clearly see any obstructions for purposes of safe navigation during all night operations.
4. ***Mobile Ship Channel vessel traffic/navigation has priority to an unobstructed channel over all unloading operations.*** Deep draft vessel traffic navigation will be coordinated with the Mobile Bar Pilots. All navigational obstructions (Hopper and Crane Barges), preventing a clear channel, will be removed to facilitate safe unobstructed channel navigation upon request. It is stipulated that no meeting arrangements between vessels of any type shall be made or executed between Choctaw Pass and Day Beacon 78 while coal operations are in progress. All incoming vessels needing the obstructions removed shall coordinate with the person in charge of the operation at least forty-five minutes prior to passing the affected area, and at least ninety minutes in advance for outbound vessels.

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5. Sufficient tugs with adequate power for all anticipated weather and current conditions will be immediately available to remove hopper and/or crane barges from alongside the coal ship and clear the designated navigational channel within thirty minutes to allow for vessel traffic movement through the area.
6. Channels 13 and 16 VHF will be closely monitored during operational periods to ensure necessary communication with all vessel traffic in the area. The Person in Charge of the Operation with the responsibility to carry out all coordination with navigation interests and execute the immediate removal of all barges along the outboard side of the Coal ship has been given the call sign "Sisco Person in Charge". All navigation interests needing information and/or removal of the barges to safely transit the area shall coordinate with this individual on VHF channel 13. Any discrepancies or communication difficulties shall be immediately relayed to the Coast Guard Captain of the Port Command Duty Officer at 441-5121
7. You shall ensure that the person in charge understands his responsibilities, and has the immediate authority and communication capability to directly cease all operations and remove any obstructions preventing a clear navigational channel. Within the designated time frames this person will be responsible for contacting my Command Duty Officer at 334-441-5121, prior to beginning and at the completion of operations potentially affecting normal vessel movements in the channel.

This Captain of the Port Order is issued under the authority of Title 33, CFR Part 160.111 and Part 160.113. Failure to comply with this order will subject you to fines of \$50,000 or imprisonment for five years, or both, or a civil penalty of up to \$25,000. Each day of noncompliance with this order constitutes a separate violation. You may appeal this order either orally or in writing via this office to the Commander Eighth Coast Guard District, 501 Magazine Street, New Orleans, LA 70130-3396, telephone number 504-589-6225.

This confirmation is temporary and does not relieve you of any responsibility for operational safety. You are expected to operate in a manner that will promote effective traffic management for all mariners while ensuring the safety of the operation, crews and other waterway users.

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Please address any questions regarding this issue to LTJG Chico Knight of my Waterways Branch at (334) 441-5670.

Sincerely,

J. J. KICHNER, P.E.  
Captain, U.S. Coast Guard  
Captain of the Port

Copy: Captain Dave Carey, Port of Mobile Harbormaster  
Mr. Weldon Marino, Port of Mobile Bar Pilots